

Notice of Allowability	Application No.	Applicant(s)	
	10/790,690	VERRALL ET AL.	
	Examiner	Art Unit	
	Susan W. Berman	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Terminal Disclaimer and Amendment filed 02/08/2006.
2. ☒ The allowed claim(s) is/are 1,3-13,18 and 19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Terminal Disclaimer

The terminal disclaimer filed on 02/08/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,316,066 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harry B. Shubin on 3/2/06.

The application has been amended as follows:

Claim 1: in the first definition of "R", in line 5, change "halogen, cyano" to "halogen or cyano" and delete " or, independently, P-(Sp-X)_n "; after the second appearance of formula I , insert --wherein -- before "P is a polymerizable group".

Claim 10: in line 1 and in line 2, insert --polymerizable--before "mixture" ; and before "a2)" insert -- wherein a1A and a1B together comprise 10 to 99% by weight of the polymerizable mixture; --.

Claim 11: in line 2, after "mesogenic" insert --group is -- ; line 5, after "groups", insert --are -- ; line 6, change "N;" to "N;" and after "1,4-cyclohexylene" insert --where--.

The following is an examiner's statement of reasons for allowance:

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The amendments to the claims filed 02/08/2006 and set forth above overcome the rejections under 35 USC 112 of record.

Claim 1 has been amended to require a mixture of a formula I compound having one polymerizable group "P" and a formula I compound having two polymerizable groups "P" in the recited weight percents. Broer discloses compositions comprising compounds within the definition of formula I and a photoinitiator. The difference from the instantly claimed composition is that, although Broer does teach that a mixture of monomers can be used to reduce the temperature at which orientation of the mesogenic groups in the monomers has to be carried out, Broer does not suggest that the mixture contain a compound having one polymerizable group and a compound having two polymerizable groups or what the weight percents of compounds in the mixture should be. See pages 12-14 of Applicant's Remarks filed 02/08/2006 for a more detailed discussion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

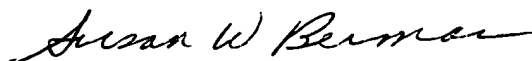
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W. Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB
3/2/06



Susan W Berman
Primary Examiner
Art Unit 1711